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IN THE DISTRICT COURT OF THE VIRGIN ISLANDS DIVISION OF ST. THOMAS AND ST. JOHN

NEW PENN FINANCIAL, LLC d/b/a SHELLPOINT MORTGAGE SERVICING)	
Plaintiff,) Case No. 3:18-CV-41	
vs.) ACTION FOR DEBT AN) FORECLOSURE OF	D
DANIEL J. KANE, THERESA M. KANE, and ROWLAND PARKER,) MORTGAGE LIEN	
Defendants.		

DECLARATION UNDER OATH

DANIEL J. KANE, being first duly sworn under oath, on this, the 15th day of December, 2018, deposes and states as follows:

- I am of legal age, am fully competent to make this declaration, and am one of the
 defendants in the captioned foreclosure action. I make this declaration under penalties of
 perjury under the laws of the U.S. Virgin Islands pursuant to U.S.C. § 1746 based on my own
 personal knowledge, except where indicated otherwise.
- 2. I have reviewed the two Notices of Filing Proof of Service, filed in this matter on December 5, 2018 as Doc. Nos. 11 and 12 by the plaintiff New Penn Financial, LLC d/b/a/ Shellpoint Mortgage Servicing ("Shellpoint"). In this filings, Shellpoint's process server claims to have served two summons in this matter, one for me, and one for my wife Theresa M. Kane, on Samantha McGrath on November 17, 2018 at an undisclosed location.
- Presumably, Shellpoint means to indicate that these summonses were served at our residence at 64 Main Street, Plaistow, New Hampshire 03865. My wife and I were travelling out of state on November 17, 2018.
 - Samantha McGrath is our daughter who is an adult, mother of two, engaged to be

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married, and maintains her residence, along with her fiancé, in Freemont NH approximately 15 miles away from our residence in Plaistow. She is not a person who resides at this address, and is not authorized to accept service of process for my wife and me.

5. On information and belief, based on what my daughter told me, the process server was waiting for her at our residence when she arrived, in our absence, on November 17, 2018, to pick up an item from our house.

6. I declare under penalties of perjury under the laws of the U.S. Virgin Islands that the foregoing statements are true to the best of my knowledge and belief.

DANIEL J. KANE